



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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*The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007*

August 1, 2023

**BY ECF**

The Honorable P. Kevin Castel  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street  
New York, New York 10007

**Re: United States v. Mauricio Hernandez Pineda, S4 15 Cr. 379 (PKC)  
United States v. Juan Orlando Hernandez, S7 15 Cr. 379 (PKC)  
United States v. Juan Carlos Bonilla Valladares, S8 15 Cr. 379 (PKC)**

Dear Judge Castel:

The Government respectfully writes in response to the Court's Order dated August 1, 2023. (Dkt. No. 601). In that Order, the Court directs the Government to explain the basis for its assertion in its June 22, 2023 letter (Dkt. No. 575) that, in the Court's June 21, 2023 Order (Dkt. No. 574), the Court ordered defendant Juan Orlando Hernandez ("Hernandez") to file any notice pursuant to Section 5 of the Classified Information Procedures Act ("CIPA") by July 11, 2023. The Government apologizes for any misunderstanding and sets out below the basis for its assertion.

On May 3, 2023, following the filing of the Government's CIPA Section 4 motions, the Court issued an Order (Dkt. No. 555) stating that, "[i]f cleared counsel wishes to challenge any of the substitutions (or any other matter related to classified material)," counsel must do so by May 26, 2023. The Government construed the May 26 deadline in the context of anticipated litigation under CIPA Sections 5 and 6—which naturally follows the Section 4 stage, and which the Court previously had referenced in its March 15, 2023 Order addressing the Government's request to adjourn its Section 4 deadline. (*See* Dkt. No. 536 ("Because the USAO has previously advised the Court that it expects litigation under sections 5 and 6 of CIPA is likely . . . in the event the USAO seeks a further extension of the dates set forth below, it should be accompanied by an application to vacate the September 18, 2023 trial date.")). Cleared counsel also appears to have understood the May 26 deadline for "any other matter related to classified material" as encompassing Section 5 notice: On June 15, 2023, Hernandez submitted a letter requesting an adjournment of "the Court imposed May 26, 2023, deadline for the defense CIPA 5 filing[.]" (Dkt. No. 564). This defense letter expressly stating that cleared counsel had missed the May 26 deadline for "CIPA 5 filing" further reinforced the Government's understanding—as reflected in its June 22 letter about which

cc: Defense Counsel (by ECF)